

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CHRISTIAN BOURDEL,

Plaintiff,

v.

WELLS FARGO ADVISORS, LLC and  
KENNETH BOTT,

Defendants.

Case No. 2:12-cv-01213-MMD-CWH

ORDER


On April 30, 2013, the Court dismissed with prejudice the federal claims brought by Christian Bourdel against Defendants Kenneth Bott and Wells Fargo Advisors, LLC. (See dkt. no. 22.) With only a negligence cause of action surviving Defendants' Motion to Dismiss, the Court ordered the parties to show cause as to why the Court should not decline to exercise supplemental jurisdiction. Having received no responses within the fourteen day deadline, the Court now dismisses the remaining claims without prejudice for lack of subject matter jurisdiction.

"[I]n any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution." 28 U.S.C. § 1367(a). However, a court may decline to exercise supplemental jurisdiction over a plaintiff's remaining state-law claims if it "dismissed all claims over which it has original

1 jurisdiction.” 28 U.S.C. § 1367(c)(3). This decision is “purely discretionary.” *Carlsbad*  
2 *Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639 (2009). Here, the claims over which the  
3 Court had original jurisdiction were dismissed with prejudice, leaving only a  
4 supplemental state law negligence cause of action. The Court declines to hear this  
5 remaining claim. This decision is particularly appropriate here, where neither party  
6 responded to the Court’s request to justify the exercise of jurisdiction over Bourdel’s  
7 negligence claim.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff Christian Bourdel’s  
9 remaining state law negligence claim is DISMISSED for lack of subject matter  
10 jurisdiction. The Clerk of the Court is instructed to close this case.

11 DATED THIS 30<sup>th</sup> day of May 2013.

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15 MIRANDA M. DU  
16 UNITED STATES DISTRICT JUDGE  
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